

EXHIBIT A

Ernest M. Esparza
90291-002; SS3-28L
Federal Correctional Institution

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Respondent,

-versus-

ERNEST M. ESPARZA,

Petitioner.

CIVIL NO: _____
Crim.No: 03-0127SOM-01

DECLARATION OF ERNEST M. ESPARZA

.....oOo.....

I, Ernest m. Esparza, do hereby depose and state:

I.

I am currently serving a term of 228 months, of a consecutive sentence of 168 plus 60 months, from a federal sentence; that I am currently resided at the FCI Big Spring, Texas facility.

II.

That I am unlearned at law and must rely upon others to inform me of important matters relating to my liberty; that I cannot understand the legal system and still feel I have been wronged, but am afraid to withdraw the plea because of fear of more time.

III.

That counsel Ross, at no time, ever interviewed me as to my childhood or family life, as it might relate to my sentence; nor did he nor probation find or request information regarding

DECLARATION OF ERNEST M. ESPARZA, PAGE ONE

education or employment history, or any military life or background; that my station for military was at Pearl Harbor during my enlistment, yet this was deemed unvarifiable.

IV.

That my life history would have been important to sentencing under 18 USC § 3553 under the standard of cultural assimilation, but was never interviewed as to these matters; that my parents had dealt in drugs all my life, and since I was a young boy of about 7 to 9 years old, I saw and operated in an environment of marijuana and cocaine; that friends on the streets dealt and transacted in drugs of various types, and this was the only life I actual knew; that even though I was attempting to improve my life, I believed these matters were a part of life, and at no time did counsel ever attempt to ask about these matters and I did not know these factors could help my sentence.

V.

That I sat in the FDC in Honolulu nearly three years while I waited for sentencing and the case to proceed and get over with; that during that time counsel Ross was seen by me about three times, four at the most; the main time when he brought the plea agreement memorandum for me to sign, and I had no real idea on what was ever occurring in my case and the long delay in such a place, tolled my nerves and mind set that I wanted everything to get over.

VI.

That I was told about a 'speedy trial,' but did not understand that process and believed the counsel Ross knew what he was to do and did not know my speedy trial rights were being

violated, especially under the new Supreme Court case.

VII.

That my counsel Ross would fall asleep during agency interviews, and unless I woke him, did not know whether I was stating improperly or not; and even though this was the only one he was at, may be the reason why he was not at the others; that he seemed to be forgetful, like Alzheimer's disease, or some other that causes forgetfulness and sleepiness.

VIII.

That I beleive I was wrongfully sentenced; that since I received the same as my co-defendant, whom had priors and other factors, while it was my first time, I feel I should have done more things, maybe, so that at least the sentence would be more appropriate, because it doesn't seem right one who is a first timer, be punished to the same as those who have done more wrong, and I feel I was prejudiced and discriminated against and the counsel never spoke up for this, and I feel my sentence is far excessive by law given all factors.

IX.

That I am willing to testify to all these matters if the Court deems it proper, and declare the above true and correct under the penalty of perjury, under the laws of the United States of America, pursuant to 28 USC § 1746.

X.

That further I sayeth naught.

DATED this 9 day of ~~July~~, 2007.


ERNEST M. ESPARZA
Declarant.